

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
4:17-CR-5-FL-1

UNITED STATES OF AMERICA,

v.

SANJAY KUMAR,

Defendant.

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ORDER

This case comes before the court to memorialize and delineate rulings announced at the telephone conference the undersigned conducted earlier today (D.E. 407) regarding the handling of materials that are or may be subject to prior orders in this case (*see, e.g.*, D.E. 21, 402) restricting dissemination of such materials. The relief addressed in this Order includes that sought in the status report (D.E. 405) filed by defendant on 1 October 2019 and the motion for in-camera review (D.E. 407), which is based on discussions during the teleconference, filed by defendant following it. Participating in the telephone conference were Assistant United States Attorney Adam F. Hulbig, counsel of record for the government; Deborrah L. Newton, counsel of record for defendant in this case; and Brian Z. Taylor, counsel for defendant in a civil matter. No counsel objected to the substance of the relief provided for in this Order.

For good cause shown, IT IS HEREBY ORDERED as follows:

1. Attorney Newton shall, as soon as practicable but in no event later than this Friday, 4 October 2019:

(a) personally retrieve all documents and other materials, in whatever form, that do or may relate to this case (“case materials”) remaining in the possession, custody, or control of defendant and/or the Brunswick County Detention Center (“Detention Center”) (other than records the Detention Center maintains relating to this case); and

(b) hand deliver the retrieved case materials, as well as the case materials she retrieved during her 30 September 2019 visit to the Detention Center, to the court in Raleigh for its in-camera review and such further proceedings as the court deems appropriate.

2. The court hereby DIRECTS the United States Marshals Service to assist, as appropriate, with the retrieval of case materials by Attorney Newton provided for in this Order, including but not limited to enlisting the assistance of Captain Jane Evans at the Detention Center, who counsel informs the court is familiar with this case, to effectuate the retrieval of case materials from defendant.

3. Defendant shall cooperate in and not impede or obstruct in any way the retrieval of case materials from him and the Detention Center provided for in this Order. Failure by defendant to cooperate in or his impeding or obstructing in any way the retrieval of case materials by Attorney Newton provided for in this Order shall subject him to sanctions by the court, including but not limited to a finding of contempt and punishment for it.

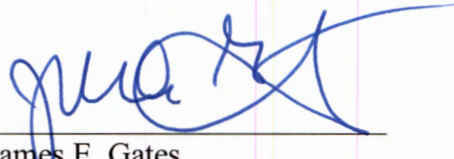
4. Attorney Taylor shall deliver to Attorney Newton as soon as practicable but in no event later than this Friday, 4 October 2019, all documents and other materials, in whatever form, defendant provided Attorney Taylor during his visit to the Detention Center on 28 September 2019. Attorney Taylor shall not provide any such materials or any copies thereof to any other person prior to his delivery of them to Attorney Newton. Attorney Newton shall hand deliver the materials she receives from Attorney Taylor to the court in Raleigh within one day after her receipt of them.

5. The Clerk is DIRECTED to:

(a) as soon as practicable, serve a copy of this Order on Attorney Taylor by telefax (252-637-7548) and/or email (Btaylor@whiteandallen.com) and on Deputy Marshal John Payne, who counsel informs the court is familiar with this case; and

(b) terminate D.E. 405 and 407.

This 2nd day of October 2019.

A handwritten signature in blue ink, appearing to read 'James E. Gates', is written over a horizontal line.

James E. Gates
United States Magistrate Judge